

1 DANIEL G. BOGDEN
United States Attorney
2 Nevada State Bar No. 2137
MICHAEL A. HUMPHREYS
3 Assistant United States Attorney
Lloyd D. George United States Courthouse
4 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
5 Telephone: (702) 388-6336
Facsimile: (702) 388-6787
6 Counsel for Plaintiff

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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,

14 v.

2:12-CV-1351-JCM-(PAL)

15 \$47,842.90 IN GOLD, SILVER AND
COPPER COINS SEIZED FROM BOX
16 NO. 3258 AT 24/7 PRIVATE VAULTS,

17 \$29,020.00 IN UNITED STATES
CURRENCY AND \$8,700.00 IN SILVER
COINS SEIZED FROM BOX NO. 0454
18 AT 24/7 PRIVATE VAULTS,

19 Defendants.

20 **SETTLEMENT AGREEMENT, STIPULATION FOR ENTRY OF JUDGMENT OF**
21 **FORFEITURE AS TO MICHAEL TERZIAN AND MELINE TERZIAN, AND ORDER**

22 The United States of America ("United States"), by and through Daniel G. Bogden, United
23 States Attorney for the District of Nevada, and Michael A. Humphreys, Assistant United States
24 Attorney, and MICHAEL TERZIAN and MELINE TERZIAN and their counsel, Jerry Kaplan, Esq.
25 and Joseph Benincasa, Esq., respectively, stipulate as follows:

26 ...

1 1. This case is a civil forfeiture action seeking to forfeit \$47,842.90 in Gold, Silver and
2 Copper Coins seized from Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and
3 \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7 Private Vaults under Title 18, United
4 States Code, Section 981(a)(1)(A), (a)(1)(C), and (b)(1).

5 2. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to the
6 civil judicial forfeiture of the \$47,842.90 in Gold, Silver and Copper Coins seized from Box. No. 3258
7 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins seized from
8 Box No. 0454 at 24/7 Private Vaults.

9 3. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to forfeit
10 the \$47,842.90 in Gold, Silver and Copper Coins seized from Box. No. 3258 at 24/7 Vaults and
11 \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7
12 Private Vaults.

13 4. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to
14 relinquish all right, title, and interest in the \$47,842.90 in Gold, Silver and Copper Coins seized from
15 Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins
16 seized from Box No. 0454 at 24/7 Private Vaults.

17 5. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to waive
18 their rights to any civil judicial forfeiture proceedings ("proceedings") concerning the \$47,842.90 in
19 Gold, Silver and Copper Coins seized from Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United
20 States Currency and \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7 Private Vaults.

21 6. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to waive
22 service of process of any and all documents that have been filed or should have been filed in this
23 action or any proceedings concerning the \$47,842.90 in Gold, Silver and Copper Coins seized from
24 Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins
25 seized from Box No. 0454 at 24/7 Private Vaults arising from the facts and circumstances of this case.

26 . . .

1 7. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to waive
2 any further notice to them, their agent, or their attorneys regarding the forfeiture and disposition of the
3 \$47,842.90 in Gold, Silver and Copper Coins seized from Box. No. 3258 at 24/7 Vaults and
4 \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7
5 Private Vaults.

6 8. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree not to
7 file any claim, answer, petition, or other documents in any proceedings concerning the \$47,842.90 in
8 Gold, Silver and Copper Coins seized from Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United
9 States Currency and \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7 Private Vaults.

10 9. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to
11 withdraw any claims, answers, counterclaims, petitions, or other documents they filed in any
12 proceedings concerning the \$47,842.90 in Gold, Silver and Copper Coins seized from Box. No. 3258
13 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins seized from
14 Box No. 0454 at 24/7 Private Vaults.

15 10. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to
16 waive the statute of limitations, the CAFRA requirements, Fed. R. Civ. P. Supp. Rule A, C, E, and G,
17 the constitutional requirements, and the constitutional due process requirements of any forfeiture
18 proceedings concerning the \$47,842.90 in Gold, Silver and Copper Coins seized from Box. No. 3258
19 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins seized from
20 Box No. 0454 at 24/7 Private Vaults.

21 11. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to
22 waive their rights to a trial on the forfeiture of the \$47,842.90 in Gold, Silver and Copper Coins seized
23 from Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver
24 Coins seized from Box No. 0454 at 24/7 Private Vaults.

25 12. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to
26 waive (a) all constitutional, legal, and equitable defenses to, (b) any constitutional or statutory double

1 jeopardy defense or claim concerning, and (c) any claim or defense under the Eighth Amendment to
2 the United States Constitution, including, but not limited to, any claim or defense of excessive fines or
3 cruel and unusual punishments in any proceedings concerning the \$47,842.90 in Gold, Silver and
4 Copper Coins seized from Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and
5 \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7 Private Vaults.

6 13. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to the
7 entry of a Judgment of Forfeiture of the \$47,842.90 in Gold, Silver and Copper Coins seized from
8 Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins
9 seized from Box No. 0454 at 24/7 Private Vaults.

10 14. MICHAEL TERZIAN and MELINE TERZIAN understand that the forfeiture of the
11 \$47,842.90 in Gold, Silver and Copper Coins seized from Box. No. 3258 at 24/7 Vaults and
12 \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7
13 Private Vaults shall not be treated as satisfaction of any assessment, restitution, fine, cost of
14 imprisonment, or any other penalty that may be imposed on MICHAEL TERZIAN and MELINE
15 TERZIAN in addition to forfeiture.

16 15. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to the
17 conditions set forth in this Settlement Agreement, Stipulation for Entry of Judgment of Forfeiture as to
18 MICHAEL TERZIAN and MELINE TERZIAN and Order ("Settlement Agreement").

19 16. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree to hold
20 harmless the United States, the United States Department of Justice, the United States Attorney's
21 Office for the District of Nevada, the Federal Bureau of Investigation, the Department of the United
22 States Treasury, their agencies, their agents, and their employees from any claim made by MICHAEL
23 TERZIAN and MELINE TERZIAN or any third party arising out of the facts and circumstances of
24 this case.

25 17. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily release and
26 forever discharge the United States, the United States Department of Justice, the United States

1 Attorney's Office for the District of Nevada, the Federal Bureau of Investigation, the Department of
2 the United States Treasury, their agencies, their agents, and their employees from any and all claims,
3 rights, or causes of action of any kind that MICHAEL TERZIAN and MELINE TERZIAN either
4 individually or collectively now has or may hereafter have on account of, or in any way growing out
5 of, the seizures and the forfeitures of the property in the abandonment, the civil administrative
6 forfeitures, the civil judicial forfeitures, and the criminal forfeitures.

7 18. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily acknowledge,
8 understand, and agree that (a) federal law requires the Department of the United States Treasury and
9 other disbursing officials to offset federal payments to collect delinquent tax and non-tax debts owed
10 to the United States and to individual states (including past-due child support); (b) if an offset occurs
11 to the payment to be made pursuant to this agreement, they will receive a notification from the
12 Department of the United States Treasury at the last address provided by them to the governmental
13 agency or entity to whom the offset payment is made; (c) if they believe the payment may be subject
14 to an offset, they may contact the Treasury Department at 1-800-304-3107; (d) the terms of this
15 settlement do not affect the tax obligations fines, penalties, or any other monetary obligations owed to
16 the United States or an individual state; and (e) the exact sum delivered to Jerry Kaplan, Esq. and
17 Joseph Benincasa, Esq., on behalf of them, may well be a lesser sum, if the Treasury Offset Program
18 reduces the amount in satisfaction of a debt obligation.

19 19. After the property is forfeited in the civil and criminal cases and the United States District
20 Court has signed the Settlement Agreement concerning the property, within a practicable time
21 thereafter for the United States, the United States agrees to release to MICHAEL TERZIAN and
22 MELINE TERZIAN one payment of Twenty-Five percent (25%) the value of \$47,842.90 in Gold,
23 Silver and Copper Coins seized from Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States
24 Currency and \$8,700.00 in Silver Coins seized from Box No. 0454 at 24/7 Private Vaults, less any
25 debt owed to the United States, any agency of the United States, or any debt in which the United States
26 is authorized to collect, through Jerry Kaplan, Esq. and Joseph Benincasa, Esq. MICHAEL TERZIAN

1 and MELINE TERZIAN knowingly and voluntarily agree to fill out the Department of the United
2 States Treasury Automated Clearing House ("ACH") form accurately and correctly and submit it to
3 the United States Attorney's Office so that the payment of the money can be disbursed by electronic
4 fund transfer. MICHAEL TERZIAN and MELINE TERZIAN knowingly and voluntarily agree that
5 Twenty-Five percent (25%) the value of \$47,842.90 in Gold, Silver and Copper Coins seized from
6 Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins
7 seized from Box No. 0454 at 24/7 Private Vaults, may be offset by any debt owed to the United States,
8 any agency of the United States, or any debt in which the United States is authorized to collect.

9 20. Each party acknowledges and warrants that its execution of the Settlement Agreement is
10 free and is voluntary.

11 21. The Settlement Agreement contains the entire agreement between the parties.

12 22. Except as expressly stated in the Settlement Agreement, no party, officer, agent,
13 employee, representative, or attorney has made any statement or representation to any other party,
14 person, or entity regarding any fact relied upon in entering into the Settlement Agreement, and no
15 party, officer, agent, employee, representative, or attorney relies on such statement or representation in
16 executing the Settlement Agreement.

17 23. The persons signing the Settlement Agreement warrant and represent that they have full
18 authority to execute the Settlement Agreement and to bind the persons and/or entities, on whose behalf
19 they are signing, to the terms of the Settlement Agreement.

20 24. This Settlement Agreement shall be construed and interpreted according to federal
21 forfeiture law and federal common law. The jurisdiction and the venue for any dispute related to,
22 and/or arising from, this Settlement Agreement is the unofficial Southern Division of the United States
23 District Court for the District of Nevada, located in Las Vegas, Nevada.

24 25. Each party shall bear his/her/their or its own attorneys' fees, expenses, costs, and interest.

25 26. This Settlement Agreement shall not be construed more strictly against one party than
26 against the other merely by virtue of the fact that it may have been prepared primarily by counsel for

1 one of the parties; it being recognized that both parties have contributed substantially and materially to
2 the preparation of this Settlement Agreement.

3 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
4 cause for the seizure and forfeiture of the \$47,842.90 in Gold, Silver and Copper Coins seized from
5 Box. No. 3258 at 24/7 Vaults and \$29,020.00 in United States Currency and \$8,700.00 in Silver Coins
6 seized from Box No. 0454 at 24/7 Private Vaults.

7
8 DATED: 6-12-13
9 KAPLAN, KENEGOS & KADIN

10 
11 JERRY KAPLAN, ESQ.
12 Counsel for MICHAEL TERZIAN and
13 MELINE TERZIAN


14 DATED: 6-12-13
15 KAPLAN, KENEGOS & KADIN

16 
17 JOSEPH BENINCASA, ESQ.
18 Counsel for MICHAEL TERZIAN and
19 MELINE TERZIAN

DATED: 6-12-13


MICHAEL TERZIAN

DATED: 6-12-13


MELINE TERZIAN

DATED: 6/12/13

DANIEL G. BOGDEN
United States Attorney


MICHAEL A. HUMPHREYS
Assistant United States Attorney

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22 IT IS SO ORDERED:

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25 
UNITED STATES DISTRICT JUDGE

26 DATED: July 9, 2013